



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

TREMONT et al.

Serial No.:	10/743,404	Atty. Docket No.:	161765.00417 (3387/0A/US)
Filed:	December 23, 2003	Group Art Unit:	1614
For:	Novel Mono- and Di-Fluorinated Benzothiepine Compounds as Inhibitors of Apical Sodium Co-Dependent Bile Acid Transport (ASBT) and Taurocholate Uptake		

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22314-1450

Sir:

Pursuant to their duty of good faith and candor as set forth in 37 C.F.R. §§ 1.56(a), 1.97 and 1.98 *et seq.*, Applicants submit herewith the attached Form PTO/SB/08A. A copy of the references cited on attached Form PTO/SB/08A may be found in the file of parent application Serial No. 10/286,987, filed November 4, 2002. Applicants respectfully request that the Examiner consider and enter all the documents cited on the enclosed Form PTO/SB/08A into the file of the above-identified application. Applicants also request an indication of the same by return of the Form PTO/SB/08A being initialed and dated by the Examiner.

No fees are believed due to ensure consideration of the attached documents by the Examiner. However, if any fees are required or an overpayment of fees made, the Commissioner is hereby authorized to debit or credit our Deposit Account No. 19-0733, as necessary.

Respectfully submitted,


Ajay Pathak
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Date: March 30, 2004

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Form PTO/SB/08A

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U.S. PATENT DOCUMENTS

Examiner Initial	Doc Tab No.	Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
**	1	3,262,850	07/26/66	Glynne			
**	2	3,287,370	11/22/66	Mohrbacher			
**	3	3,389,144	06/18/68	Mohrbacher			
**	4	3,520,891	07/21/70	Mohrbacher			
**	5	3,674,836	07/04/72	Creger			
**	6	3,692,895	09/19/72	Nelson			
**	7	3,714,190	01/30/73	Boissier			
**	8	3,781,328	12/25/73	Witte			
**	9	3,948,973	04/06/76	Phillips			
**	10	3,962,261	06/08/76	Zinnes			
**	11	3,972,878	08/03/76	Schirrmann			
**	12	3,983,140	09/28/76	Endo			
**	13	4,002,750	01/11/77	Ambrogi			
**	14	4,058,552	11/15/77	Mieville			
**	15	4,185,109	01/22/80	Rosen			
**	16	4,231,938	11/04/80	Monaghan			
**	17	4,251,526	02/17/81	McCall			
**	18	4,346,227	08/24/82	Terahara			
**	19	4,444,784	04/24/84	Hoffman			
**	20	4,559,332	12/17/85	Grob			
**	21	5,075,293	12/24/91	Reifsneider			
**	22	5,153,184	10/06/92	Reifsneider			
**	23	5,158,943	10/27/92	Sohda			
**	24	5,244,887	09/14/93	Straub			
**	25	5,260,316	11/09/93	Van Duzer			
**	26	5,334,600	08/02/94	Van Duzer			
**	27	5,350,761	09/27/94	Van Duzer			
**	28	5,354,772	10/11/94	Kathawala			
**	29	5,430,116	07/04/95	Kramer			
**	30	5,502,045	03/26/96	Miettinen			
**	31	5,512,558	04/30/96	Enhsen			
**	32	5,519,001	05/21/96	Rampratap			
**	33	5,602,152	02/11/97	Berthelon			
**	34	5,610,151	03/11/97	Glombik			
**	35	5,663,165	09/02/97	Brieaddy			
**	36	5,703,188	12/30/97	Mandeville			
**	37	5,705,524	01/06/98	McGee			
**	38	5,723,458	03/03/98	Brieaddy			
**	39	5,767,115	06/16/98	Rosenblum			
**	40	5,929,062	07/27/99	Haines			
**	41	5,994,391	11/30/99	Lee			



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**	42	6,020,330	02/01/00	Enhsen			
**	43	6,034,118	03/07/00	Bischofberger			

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
**	44	AU-A-30209/92	12/17/92	Australia				x
**	45	AU-A-61946/94	06/05/94	Australia				x
**	46	AU-A-61948/94	06/05/94	Australia				x
**	47	AU-A-61949/94	06/05/94	Australia				x
**	48	2,025,294	03/15/91	Canada				
**	49	2,078,588	03/22/93	Canada				
**	50	2,085,782	06/21/93	Canada				
**	51	2,085,830	06/21/93	Canada				
**	52	0 067 086	10/05/82	Europe				
**	53	0 129 748	02/01/85	Europe				
**	54	0 250 265	06/19/87	Europe				
**	55	0 338 331	06/04/89	Europe				
**	56	0 379 161	01/17/90	Europe				
**	57	0 508 425 A1	09/04/92	Europe				
**	58	0 526 402 A1	02/03/93	Europe				
**	59	0 531 901 A2	02/09/92	Europe				
**	60	0 549 967 A1	12/17/92	Europe				
**	61	0 559 064 A2	02/24/93	Europe				
**	62	0 563 731 A1	03/22/93	Europe				
**	63	0 568 898 A1	04/27/93	Europe				
**	64	0 796 846 A1	07/03/97	Europe				x
**	65	0 801 060 A1	15/10/97	Europe				
**	66	0 818 197 A1	06/25/97	Europe				x
**	67	0 818 448 A1	06/24/97	Europe				x
**	68	2 661 676-A1	02/05/90	France				
**	69	196 27 430 A1	08/07/96	Germany				x
**	70	1211258	02/01/68	Germany				
**	71	10-287662	10/27/98	Japan				x
**	72	89/01477	02/23/89	PCT			Abst	
**	73	91/08205	06/13/91	PCT			Abst	
**	74	92/17467	10/15/92	PCT			Abst	
**	75	92/18115	10/29/92	PCT			Abst	
**	76	92/18462	10/29/92	PCT			Abst	
**	77	93/16055	08/19/93	PCT			Abst	
**	78	93/21146	10/28/93	PCT			Abst	
**	79	94/18183	08/18/94	PCT			Abst	
**	80	94/18184	08/18/94	PCT			Abst	
**	81	94/24087	10/27/94	PCT			Abst	

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**	82	95/21843	08/17/95	PCT			Abst
**	83	96/05188	02/22/96	PCT			Abst
**	84	96/08484	03/21/96	PCT			Abst
**	85	96/16051	05/30/96	PCT			Abst
**	86	96/40255	12/19/96	PCT			Abst
**	87	97/03953	02/02/97	PCT			Abst
**	88	97/33882	09/18/97	PCT			Abst
**	89	97/49387	12/31/97	PCT			Abst
**	90	97/49736	12/31/97	PCT			Abst
**	91	98/02432	01/22/98	PCT			Abst
**	92	98/06405	02/19/98	PCT			Abst
**	93	98/23593	06/04/98	PCT			Abst
**	94	98/35937	08/20/98	PCT			Abst
**	95	98/38182	09/03/98	PCT			Abst
**	96	98/39299	09/11/98	PCT			Abst
**	97	98/40375	09/17/98	PCT			Abst
**	98	98/56757	12/17/98	PCT			Abst
**	99	99/11259	03/11/99	PCT			
**	100	99/11260	03/11/99	PCT			
**	101	99/11263	03/11/99	PCT			
**	102	99/14174	03/25/99	PCT			Abst
**	103	99/14204	03/25/99	PCT			
**	104	99/14215	03/25/99	PCT			Abst
**	105	99/32478	07/01/99	PCT			
**	106	99/35135	07/15/99	PCT			
**	107	99/64409	12/16/99	PCT			Abst
**	108	00/35889	06/22/00	PCT			Abst
**	109	2 305 665	04/16/97	United Kingdom			
**	110	2 329 334	03/24/99	United Kingdom			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

**	111	A. Barrett et al., "Total Synthesis and Stereochemical Assignment of the Quinquecyclopropane-Containing Cholestryl Ester Transfer Protein Inhibitor U-106305", J. Am Chem. Soc., 1996, 118, pgs. 7863-7864
**	112	P. Barter et al. "High Density Lipoproteins and Coronary Heart Disease", Atherosclerosis, 121 1996, pgs. 1-12.
**	113	A. Beckwith et al., "Iododediazoniation of Arenediazonium Salts Accompanied by Aryl Radical Ring Closure" J. Org. Chem. 1987, Vol. 52, pgs. 1922-1930
**	114	D. Bilheimer et al., "Mevinolin and Colestipol Stimulate Receptor-Mediated Clearance of Low Density Lipoprotein From Plasma In Familial Hypercholesterolemia Heterozygotes", Proc. Natl. Acad. Sci. USA, Vol. 80, July 1983, pgs. 4124-4128
**	115	C. Bisgaier et al., "Cholestryl Ester Transfer Protein Inhibition By PD 140195, Lipids, Vol. 29, No. 12, 1994, pgs. 811-818

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CITATION

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10/743,404

Applicant(s): Samuel TREMONT et al

Filing Date: December 23, 2003

Examiner:
Group: 1614

**	116	D. Blankenhorn et al., "Beneficial Effects of Combined Colestipol-Niacin Therapy On Coronary Atherosclerosis and Coronary Venous Bypass Grafts", JAMA, June 19, 1987, Vol. 257, No. 23, pgs. 3233-3240
**	117	D. Blankenhorn et al., "Beneficial Effects of Colestipol-Niacin Therapy on the Common Carotid Artery" Circulation Vol. 88, 1 July 1993, pgs. 20-28
**	118	P. Bonin et al., "A Peptide Inhibitor Of Cholestryl Ester Transfer Protein Identified By Screening a Bacteriophage Display Library", Journal of Peptide Research, 51, 1998, pgs. 216-225
**	119	G. Brown, et al., "Regression of Coronary Artery Disease As A Result of Intensive Lipid-Lowering Therapy in Men With High Levels Of Apolipoprotein B", The New England Journal of Medicine, Volume 323, November 8, 1990, Number 19, pgs. 1289-1339.
**	120	M. Brown et al., "Induction of 3-hydroxy-3Methylglutaryl Coenzyme A Reductase Activity in Human Fibroblasts Incubated with Compactin (ML-236B), A Competitive Inhibitor of the Reductase, The Journal of Biological Chemistry, Vol. 253, No. 4, February 22, 1978, pgs. 1121-1128
**	121	S. Busch et al., "Cholestryl Ester Analogs Inhibit Cholestryl Ester But Not Triglyceride Transfer Catalyzed By The Plasma Cholestryl Ester-Triglyceride Transfer Protein", Lipids, Vol. 25, No. 4 (1990), pgs. 216-220
**	122	C. Camoutsis et al., "N-Substituted 4, 5-Dihydro-1, 2-Benzothiazepin-3-One 1, 1-Dioxide", J. Heterocyclic Chem. 17, pgs.1135-1136 (1980)
**	123	L. Cashin-Hemphill et al., "Beneficial Effects of Colestipol-Niacin on Coronary Atherosclerosis A 4-Year Follow-up", JAMA, December 19, 1990, Vol. 264, No. 23, pgs. 3013-3017
**	124	P. Catsoulacos et al., "Synthesis of Some N-Substituted 4,5-Dihydro-7,8-dimethoxybenzothiazepin-3-one 1,1-Dioxides", J. Heterocyclic Chem., Vol. 13 (1976), pgs. 1309-1314
**	125	P. Catsoulacos et al., "Thiazo Compounds. Derivatives of 4, 5-Dihydro-7, 8-Dimethoxybenzothiazepin-3 one 1, 1-Dioxides", Journal of Chemical and Engineering Data, Vol. 22, No. 3, 1977, pgs. 353-354
**	126	K. Cho et al., "A Peptide From Hog Plasma that Inhibits Human Cholestryl Ester Transfer Protein", Biochimica et Biophysica Acta, 1391, 1998, pgs. 133-144
**	127	D. Connolly et al., "Inactivation of Cholestryl Ester Transfer Protein by Cysteine Modification", Biochemical and Biophysical Research Communications 223, pgs. 42-47, 1996
**	128	S. Coval et al., "Wiedendiol-A and-B, Cholestryl Ester Transfer Protein Inhibitors From The Marine Sponge <i>Xestospongia Wiedenmayeri</i> ", Bioorganic & Medicinal Chemistry Letter, Vol. 5, No. 6, pgs. 605-610, 1995
**	129	J. Davignon et al., "Apolipoprotein E and Atherosclerosis: Quest for an APO E Receptor Defect Leads to the Discovery of Pseudo Type III Dyslipoproteinemia in a Family", Atherosclerosis IX, pgs. 199-203
**	130	J. Davignon et al., "Comparative Efficacy and Safety of Pravastatin, Nicotinic Acid and The Two Combined in Patients with Hypercholesterolemia", The American Journal of Cardiology, February 15, 1994, pgs. 339-345
**	131	C. East et al., "Combination Drug Therapy for Familial Combined Hyperlipidemia", Annals of Internal Medicine, July 1, 1988, pgs. 25-32
**	132	J. Emmerich et al., "Efficacy and Safety of Simvastatin (Alone or in Association with Cholestyramine) A 1 yr. Study in 66 Patients with Type II Hyperlipoproteinemia", European

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CITATION

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Attorney Docket No.
161765.00417 (3387/0A/US)Serial No.
10/743,404

Applicant(s): Samuel TREMONT et al

Filing Date: December 23, 2003

Examiner:
Group: 1614

		Heart Journal (1990), 11, pgs. 149-155
**	133	D. Erkelens, "Combination Drug Therapy with HMG Co A Reductase Inhibitors and Bile Acid Sequestrants for Hypercholesterolemia", <i>Cardiology</i> , 1990, 77, (suppl 4). pgs. 33-38
**	134	H. Ginsberg, "Update on the Treatment of Hypercholesterolemia, with a Focus on HMG-CoA Reductase Inhibitors and Combination Regimens", <i>Clinical Cardiology</i> 18, pgs. 307-315, (1995)
**	135	C. Glueck et al., "Gemfibrozil-Lovastatin Therapy for Primary Hyperlipoproteinemias" <i>The American Journal of Cardiology</i> , July 1, 1992, Vol. 70, No. 1, pgs. 1-9
**	136	S. Grundy et al., "Influence of Combined Therapy with Mevinolin and Interruption of Bile-Acid Reabsorption on Low Density Lipoproteins in Heterozygous Familial Hypercholesterolemia", <i>Annals of Internal Medicine</i> , 1985, 103: pgs. 339-343
**	137	H. Gylling et al., "Effects Of Inhibiting Cholesterol Absorption And Synthesis On Cholesterol And Lipoprotein Metabolism In Hypercholesterolemic Non-Insulin-Dependent Diabetic Men", <i>Journal of Lipid Research</i> , Volume 37, 1996, pgs. 1776-1785
**	138	E. Haber, "Molecular Cardiovascular Medicine" <i>Scientific American</i> , pgs. 35-40
**	139	V. Hegde et al., "A Depsipeptide Fungal Metabolite Inhibitor Of Cholestryl Ester Transfer Protein", <i>Bioorganic & Medicinal Chemistry Letters</i> 8, 1998, pgs. 1277-1280
**	140	L. Hellberg et al., "5a-Hydroxy-3a-Cholestanecarboxylic" <i>The New Journal for Organic Synthesis</i> , Vol. 15, Number 1-2, February-April 1983, pgs. 154-156
**	141	J. Heubi et al., "Primary Bile Acid Malabsorption: Defective In Vitro Ileal Active Bile Acid Transport", <i>Gastroenterology</i> 1982, 83: pgs. 804-11
**	142	N. Hoogerbrugge et al., "The Additional Effects of Acipimox To Simvastatin In The Treatment of Combined Hyperlipidaemia", <i>Journal of Internal Medicine</i> , 1997, 241: pgs. 151-155
**	143	N. Hoogerbrugge et al., "The Efficacy and Safety of Pravastatin, Compared To And In Combination With Bile Acid Binding Resins, In Familial Hypercholesterolaemia", <i>Journal of Internal Medicine</i> 1990, 228; pgs. 261-266
**	144	A. Hutchesson et al., "Dual Bezafibrate-Simvastatin Therapy For Combined Hyperlipidaemia", <i>Journal of Clinical Pharmacy and Therapeutics</i> 1994, 19, pgs. 387-389
**	145	T. Ichihashi, "Mechanism of Hypocholesterolemic Action of S-8921 in Rats: S-8921 Inhibits Ileal Bile Acid Absorption", <i>The Journal Of Pharmacology And Experimental Therapeutics</i> , Vol. 284, No. 1, pgs. 43-50
**	146	D. Illingworth, et al., "Influence of Lovastatin plus Gemfibrozil on Plasma Lipids and Lipoproteins in Patients With Heterozygous Familial Hypercholesterolemia", <i>Circulation</i> Vol. 79, Number 3, March 1989, 590-596
**	147	D. Illingworth, "Mevinolin Plus Colestipol in Therapy for Severe Heterozygous Familial Hypercholesterolemia", <i>Annals of Internal Medicine</i> , 1984; 101, pgs. 598-604
**	148	International Search Report mailed May 23, 2000 based on PCT/US 99/27942
**	149	International Search Report mailed May 23, 2000 based on PCT/US 99/27943
**	150	International Search Report mailed May 23, 2000 based on PCT/US 99/27944
**	151	International Search Report mailed May 23, 2000 based on PCT/US 99/27945
**	152	International Search Report mailed May 18, 2000 based on PCT/US 99/27947
**	153	International Search Report mailed May 15, 2000 based on PCT/US 99/27948
**	154	International Search Report mailed May 17, 2000 based on PCT/US 99/27949
**	155	J. Kane, et al., "Regression of Coronary Atherosclerosis During Treatment of Familial Hypercholesterolemia With Combined Drug Regimens", <i>JAMA</i> , December 19, 1990, Chapter 26,

INFORMATION DISCLOSURE
CITATION

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161765.00417 (3387/0A/US)Serial No.
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Examiner:
Group: 1614

		Vol. 264, No. 23, pgs. 3007-3012
**	156	A. Katritzky et al., "Preparation Of 6-7- And 8-Membered Sultams By Friedel-Crafts Cyclization Of w-Phenylalkanesulfamoyl Chlorides", <i>Organic Preparations and Procedures Int.</i> , 24 (4), pgs. 463-467 (1992)
**	157	T. Kazumi et al., "Effects of Niceritol On Elevated Serum Lipoprotein LP (A) Levels in Diabetic Patients With Or Without Overt Proteinuria", <i>Current Therapeutic Research</i> , Vol. 55, No. 5, May 1994, pgs. 546-551
**	158	W. Kramer, et al., "Intestinal Bile Acid Absorption", <i>The Journal of Biological Chemistry</i> . Vol. 268, No. 24 Issue of August 25, pgs. 18035-18046, 1993
**	159	Kuo, M.S. et al., "Discovery, Isolation, Structure Elucidation, and Biosynthesis of U-106305, a Cholesteryl Ester Transfer Protein Inhibitor from UC 11136", <i>J. Am. Chem. Soc.</i> 117, pp. 10629-10634 (1995)
**	160	Kvis, K. et al. , "Benzocycloheptenes and Heterocyclic Analogues as Potential Drugs. VII, 4-Phenyl-3,4,5-Tetrahydro-1-Benzothiepins and Some Related Compounds", <i>Chem. Commun./Vo.37/(1973)</i> pgs. 3808-3816
**	161	Lee, J.C. et al., "A Cholesteryl Ester Transfer Protein Inhibitor from an Insect-associated Fungus", <i>The Journal of Antibiotics</i> 49(7), pp. 693-696
**	162	A.M. Lees et al., "Therapy of Hypercholesterolemia With Mevinolin And Other Lipid-Lowering Drugs", <i>Arteriosclerosis</i> 6, 1986, pg. 544a
**	163	T. Leren et al., "Effects of Lovastatin Alone and In Combination with Cholestyramine on Serum Lipids and Apolipoproteins in Heterozygotes for Familial Hypercholesterolemia", <i>International Journal for Research and Investigation on Atherosclerosis and Related Diseases</i> , 73, (1988), pgs. 135-141
**	164	M. Lewis, et al., "Effects Of 2164U90 on Ileal Bile Acid Absorption and Serum Cholesterol in Rats and Mice, <i>Journal of Lipid Research</i> , Vol. 36, 1995, pgs. 1098-1105
**	165	R. Lewis, <i>Hawley's Condensed Chemical Dictionary</i> , pg. 1238
**	166	W. Ling et al., "Minireview Dietary Phytosterols A Review of Metabolism, Benefits and Side Effects", <i>Life Sciences</i> , Vol. 57, No. 3, 1995, pgs. 195-206
**	167	H. Mabuchi et al., "Reduction of Serum Cholesterol In Heterozygous Patients with Familial Hypercholesterolemia", <i>The New England Journal of Medicine</i> , Vol. 308, March 17, 1983, pgs. 609-613
**	168	M. Malloy et al., "Complementarity of Colestipol, Niacin, and Lovastatin in Treatment of Severe Familial Hypercholesterolemia", <i>Annals of Internal Medicine</i> 1987; 107: pgs. 616-623
**	169	W. Mandeville et al., "Bile Acid Sequestrants: Their Use In Combination With Other Lipid-Lowering Agents, <i>Idrugs</i> 1999 Vol. 2., No. 3, pgs. 237-242
**	170	G. Marais et al., "Rhabdomyolysis and Acute Renal Failure Induced by Combination Lovastatin and Gemfibrozil Therapy", <i>Annals of Internal Medicine</i> , February 1, 1990, Volume 112, Number 3, pgs. 228-230
**	171	P. McCarthy, "New Approaches to Atherosclerosis: An Overview", <i>Medicinal Research Reviews</i> , Vol. 13, No. 2, 1993, pgs. 139-159
**	172	R. Morton, "Regulation of Lipid Transfer Between Lipoproteins By An Endogenous Plasma Protein: Selective Inhibition Among Lipoprotein Classes, <i>Journal of Lipid Research</i> , Vol. 35, 1994, pgs. 836-847
**	173	F. Nerdel et al., "Quartermay Salts of B-Amino Aldehydes and B-Iodoaldehydes", <i>Chemische Berichte</i> (Ed. H. Zahn), Vol. 98 (1965), pgs. 728-734

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Filing Date: December 23, 2003

Examiner:
Group: 1614

**	174	M. Newman et al., "The Conversion of Phenols to Thiophenols via Dialkylthiocarbamates", The Journal Of Organic Chemistry, Vol. 31, September-December 1966, pgs. 3980-3984
**	175	A. Orahovats et al., "A Ring Enlargement from Seven-to Ten-Membered-Ring Sulfonamide Derivatives", Helvetica Chimica Acta, Vol. 79, (1996), pgs. 1121-1128
**	176	H. Pan et al., "Pharmacokinetics and Pharmacodynamics of Pravastatin Alone and With Cholestyramine in Hypercholesterolemia", Clin. Pharmacol Ther. (1980) 9, 313, pgs. 201-207
**	177	N. Panagiotopoulos et al., "N(P-Bromophenyl)-4,5-Dihydro-7,8-Dimethoxy Benzothiazepine - ONE 1,1-Dioxide C17 H16 brNO5S", Cryst. Struct. Comm. (1980) 9, pgs. 313-319
**	178	R. Pasternak et al., "Effect of Combination Therapy with Lipid-Reducing Drugs in Patients with Coronary Heart Disease and "Normal" Cholesterol Levels", Annals of Internal Medicine, October 1, 1996, Vol. 125, Number 7, pgs. 529-538
**	179	R. Patra et al., "Conformational and Steric Requirements Of The Side Chain For Sulphur Participation In Benzthiepin Derivatives", Tetrahedron Letters, Vol. 30, No. 32, pgs. 4279-4282, 1989
**	180	R. Pierce et al., "Myopathy and Rhabdomyolysis Associated With Lovastatin-Gemfibrozil Combination Therapy", JAMA, July 4, 1990, Vol. 264, No. 1, pgs. 71-75
**	181	W. Pirkle et al., "Trichlorosilane-Induced Cleavage. A Mild Method for Retrieving Carbinols From Carbamates", Jouranal Organic Chemistry, Vol. 42, No. 15, 1977, pgs. 2781-2782
**	182	W. Pirkle et al., "Dynamic NMR Studies of Disatereomeric Carbamates: Implications toward the Determination of Relative Configuration by NMR" Journal of Organic Chemistry, Vol. 44, No. 26, 1979, pgs. 4891-4896
**	183	W. Pirkle et al., "An Example of Automated Liquid Chromatography Synthesis of a Broad-Spectrum Resolving Agent and Resolution of 1-(Naphthyl)-2,2,2-Trifluoroethanol", The Journal of Organic Chemistry Volume 39, No. 26, 1974, pgs. 3904-3906
**	184	T. Pietzonka et al., "Phosphonate-Containing Analogs Of Cholestryl Ester As Novel Inhibitors Of Cholestryl Ester Transfer Protein", Bioorganic & Medicinal Chemistry Letters, Vol. 6, No. 16, pgs. 1951-1954
**	185	Pravastatin Multicenter Study Group II, "Comparative Efficacy and Safety of Pravastatin and Cholestyramine Alone And Combined in Patients With Hypercholesterolemia", Archives of Internal Medicine, Vol. 153, June 14, 1993, pgs. 1321-1328
**	186	E. Reihner et al., "Regulation of Hepatic Cholesterol Metabolism In Humans: Stimulatory Effects of Cholestyramine on HMG-CoA Reductase Activity and Low Density Lipoprotein Receptor Expression In Gallstone Patients", Journal of Lipid Research, Volume 31, 1990, pgs. 2219-2226
**	187	R. Remick et al., "Comparison of Fluoxetine and Desipramine In Depressed Outpatients", Therapeutic Research, Vol. 53, No. 5, May 1993, pgs. 457-483
**	188	S. Rosenblum et al., "Discovery of 1-(4-Fluorophenyl)-(3R)-[3-(4-fluorophenyl)-(3S)-hydroxypropyl]-(4S)-(4-hydroxyphenyl)-2-azetidinone (SCH 58235): A Designed, Potent, Orally Active Inhibitor of Cholesterol Absorption", Journal of Medicinal Chemistry, 1998, Vol. 41, No. 6, pgs. 973-980
**	189	G. Salem et al., "Benzothiazine and Benzothizepine Derivatives: Structures of N-p-Bromophenyl-6, 7-Dimethoxy-1, 2-Benzothiazin-3(4H)-One 1, 1-Dioxide (BBTZ) and 4, 5-Dihydro-8,9-Dimethoxy-N-(5-Methyl-2-Pyridyl)-1,2-Benzothiazepin-3-One 1, 1-Dioxide (MPTE)", Acta Cryst. (1986) C42, pgs. 1581-1584
**	190	J. Sasaki et al., "Effects of Fluvastatin, A New Inhibitor of HMG-CoA Reductase, and Niceritol on Serum Lipids, Lipoproteins and Cholesterol Ester Transfer Activity In Primary

INFORMATION DISCLOSURE
CITATION

Page 8 of 12

Attorney Docket No.
161765.00417 (3387/0A/US)Serial No.
10/743,404

Applicant(s): Samuel TREMONT et al

Filing Date: December 23, 2003

Examiner:
Group: 1614

		Hypercholesterolemic Patients", International Journal of Clinical Pharmacology and Therapeutics, Vol. 33, No. 7, 1995, pgs. 420-426
**	191	K. Sindelar et al., "Neurotropic and Psychotropic Compounds. XXIX. Derivatives Of 2,3,4,5-Tetrahydro-1-Benzothiepin, Chemical Commun., Vol. 33, 1968, pgs. 4315-4327
**	192	K. Sindelar et al., "Benzocycloheptenes and Heterocyclic Analogues As Potential Drugs. III. Further Synthetic Experiments In The Series Of 1-Benzothiepin Derivatives, Vol. 37, 1972, 1195-1206
**	193	C. Sirtori, "New Targets For Lipid Lowering And Atherosclerosis Prevention", Pharmac. Ther. Vol. 67, No. 3., pgs. 433-447, 1995
**	194	Y. Son, "Purification and Characterization of Human Plasma Proteins That Inhibit Lipid Transfer Activities", Biochimica et Biophysica Acta, 795, 1984, pgs. 473-480
**	195	D. Sprecher et al., "Low-Dose Combined Therapy with Fluvastin and Cholestyramine in Hyperlipidemic Patients", Ann Intern Med. 1994; 120: pgs. 537-543
**	196	C.I. Stassinopoulou, et al., "C NMR Spectra of Benzothiazepinone, Benzothiazinone and Benzosulphonamide N-Substituted Derivatives" Department of Biology, Nuclear Research Center
**	197	E. Stedronsky et al., "Interaction of Bile Acids and Cholesterol with Non-Systemic Agents Having Hypocholesterolemic Properties", Biochimica et Biophysica Acta., 1210, 1994, pgs. 255-287
**	198	I. Stein, et al., "Effects of Simvastatin and Cholestyramine in Familial and Nonfamilial Hypercholesterolemia", Arch Intern Med. Vol. 150, February 1990, pgs. 341-345
**	199	E. Stein, et al., "Lovastatin Alone And In Combination For Treatment Of Primary Hypercholesterolemia", Alan R. Liss, Inc. 1988, pgs. 281-293
**	200	K. Suckling, et al., "Cholesterol Lowering and Bile Acid Excretion in the Hamster with Cholestyramine Treatment, Atherosclerosis, 89, (1991) pgs. 183-190
**	201	T. Swenson, "Mechanism of Cholesteryl Ester Transfer Protein Inhibition by a Neutralizing Monoclonal Antibody and Mapping of the Monoclonal Antibody Epitope", The Journal of Biological Chemistry, Vol. 264, No. 24, Aug. 25, pgs. 14318-14326, 1989
**	202	A. Tall, "Plasma Cholesteryl Ester Transfer Protein", Journal of Lipid Research", Volume 34, 1993, pgs. 1255-1274
**	203	Y. Tamura et al., "Novel Conversions of Benzo [b] thiophen-3 (2-H)-ones into 1, 2-Benzisothiazole and Tetrahydro-1, 2-Benzothiazepin-5-One Systems via Sulphimide Intermediates, J.C.S. Perkin I, pgs. 2830-2834
**	204	K. Thurmond et al., "Water-Soluble Knedel-like Structures: The Preparation of Shell-Cross-Linked Small Particles", Journal American Chemistry Soc. Vol., 118, No. 30, 1996, pgs. 7239-7240
**	205	P. Tyle, "Iontophoretic Devices for Drug Delivery", Pharmaceutical Research, Vol. 3. No. 6 1986, pgs. 318-325
**	206	M. Une et al., "Metabolism of 3a, 7a-Dihydroxy-7b-Methyl-5b-Cholanoic Acid and 3a, 7B-Dihydroxy-7a-Methyl-5B-Cholanoic Acid Hamsters, Biochimica et Biophysica Acta, 833 (1985), pgs. 196-202
**	207	J. Vacek et al., "Comparison of Lavastatin (20 mg) and Nicotinic Acid (1.2g) With Either Drug Alone for Type II Hyperlipoproteinemia, The American Journal Of Cardiology, Vol. 76, July 15, 1995, pgs. 182-184
**	208	M. Van Heek et al., "In Vivo Metabolism-Based Discovery of a Potent Cholesterol Absorption Inhibitor, SCH58235, in the Rat and Rhesus Monkey Through the Identification of the Active

INFORMATION DISCLOSURE
CITATION

Page 9 of 12

Attorney Docket No.
161765.00417 (3387/0A/US)Serial No.
10/743,404

Applicant(s): Samuel TREMONT et al

Filing Date: December 23, 2003

Examiner:
Group: 1614

		Metabolites of SCH48461", The Journal of Pharmacology and Experimental Therapeutics, Vol. 283, No. 1, pgs. 157-754
**	209	G. Vega et al., "Treatment of Primary Moderate Hypercholesterolemia With Lovastatin (Mevinolin) and Colestipol", JAMA, Jan 2, 1987, Vol. 257, No. 1, pgs. 33-37
**	210	G. Wess et al., "Synthesis and Biological Activity of Bile Acid-Derived HMG-CoA Reductase Inhibitors. The Role of 21-Methyl in Recognition of HMG-CoA Reductase and the Ileal Bile Acid Transport System", Journal Of Medicinal Chemistry" 1994, 37, pgs. 3240-3246
**	211	J. Wetterau et al., "An MTP Inhibitor that Normalizes Atherogenic Lipoprotein Levels In WHHL Rabbits", Science Vol. 282, 10/23/98, pgs. 751-754
**	212	O. Wiklund et al., "Pravastatin and Gemfibrozil Alone and in Combination for the Treatment of Hypercholesterolemia", The American Journal of Medicine Vol. 94, January 1993, pgs. 13-19
**	213	S. Wirebaugh et al., "A Retrospective Review of the Use of Lipid-Lowering Agents in Combination, Specifically, Gemfibrozil and Lovastatin", Pharmacotherapy Vol. 12, Number 6, 1992, pgs. 445-450
**	214	J. Witztum, "Drugs Used In The Treatment of Hyperlipoproteinemas", The Pharmacological Basis of Therapeutics, 9 th Edition, pgs. 875-894
**	215	Yan Xia et al., "Substituted 1,3,5-Triazines As Cholesterol Ester Transfer Protein Inhibitors", Bioorganic & Medicinal Chemistry Letters, Vol. 6, No. 7, 1996, pgs. 919-922
**	216	A. Yamamoto et al., "Effects of Probucol on Xanthomata Regression in Familial Hypercholesterolemia", Am Journal Cardiology, 1986, 57: pgs. 29H-35H
**	217	K. Ytre-Arne et al., "Simvastatin and Cholestyramine In The Long-Term Treatment of Hypercholesterolaemia", Journal of Internal Medicine (1989): 226, pgs. 285-90

EXAMINER

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		Filing Date	December 23, 2003
		First Named Inventor	Samuel TREMONT et al
		Group Art Unit	1614
		Examiner Name	TBA
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		Attorney Docket Number	161765.00417 (3387/0A/US)

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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	225.	EP	0 244 364	A2				
	226.	EP	0 409 281	A1				
	227.	GB	1 211 258					
	228.	GB	2 077 264	A				
	229.	WO	98/38182					
	230.	WO	98/40375					

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	231.	Angelin, B., "Regulation of Hepatic Cholesterol Metabolism in Man," Ann. Med. 23, pp. 10-27 (1991).		
	232.	Blum, C. B., "Comparison of Properties of Four Inhibitors of 3-Hydroxy-3-Methylglutaryl-Coenzyme A Reductase," Am. J. Cardiol., 73(14), 3D-11D, (1994).		
	233.	Cayen, M.N., "Disposition, Metabolism and Pharmacokinetics of Anthyperlipidemic Agents in Laboratory Animals and Man," Pharmac. & Ther., 29, pp. 157-204 (1985).		
	234.	Da Col, et al., "Tolerability and Efficacy of Combination Therapy with Simvastatin Plus Gemfibrozil in Type II Refractory Familial Combined Hyperlipidemia," Curr. Therap. Research, Vol. 53, No. 5, pp. 473-483 (1993).		
	235.	Davignon, et al. "HMG CoA Reductase Inhibitors: A look back and a look ahead," Can. J. Cardiol., 8(8), pp. 843-864 (1992).		
	236.	Endo, A. "Chemistry, biochemistry and pharmacology of HMG-Co-A reductase inhibitors," Klin. Wochemschr. 66, pp. 421-427 (1988).		
	237.	Kramer et al., "Bile acid derived HMG-CoA reductase inhibitors," Biochimica et Biophysica Acta, 1227 pp. 137-154 (1994).		
	238.	Marcus, A., "Role of the HMG-CoA Reductase Inhibitors in the Treatment of Dyslipidemia: An Evolutionary Review," CVR&R, pp. 13-27 (January 1996).		

Examiner Signature	Date Considered
--------------------	-----------------

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	AA	US-6,355,671 B1	03/12/02	Miyano et al.	
	AB	US- 6,355,672 B1	03/12/02	Yasuma et al.	
	AC	US- 6,369,220 B1	04/09/02	Li et al.	
	AD	US- 6,441,022 B1	08/27/02	Frick et al.	
	AE	US- 6,479,670 B1	11/12/02	Belloni et al.	
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